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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
023US1

In re Application of: Patrick Miles

Application No.: 10/608,362

Filed: June 26, 2003

For: Surgical Access System and Related Methods

The owner*, NuVasive, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,207,409 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,182

Signature Date November 21, 2008

Jonathan Spangler
Typed or printed name

858-909-1807
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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